

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PERCY PEREZ,)
Plaintiff,)
vs.) Civil Action No. 2:21-cv-332
SCI-FAYETTE SUPERINTENDENT M.) District Judge Schwab
CAPOZZA, *et al.*,) Magistrate Judge Lenihan
Defendants.) ECF Nos. 85, 101

MEMORANDUM ORDER

The Complaint in the above captioned case was filed on March 25, 2021 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 101) filed on January 30, 2023, recommended that the Motion for Judgment on the Pleadings (ECF No. 85) as to all claims against Defendants Allen and House be denied. Service was made on Plaintiff via U.S. First Class Mail and on all counsel of record via CM/ECF. In the Report and Recommendation, the parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that registered users had fourteen (14) days to file any objections, and unregistered users had seventeen (17) days to file objections. No objections have been filed to the Report and Recommendation to date.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 21st day of February, 2023,

IT HEREBY ORDERED that the Motion for Judgment on the Pleadings (ECF No. 85) as to all claims against Defendants Allen and House is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No.101) of Magistrate Judge Lenihan dated January 30, 2023 is adopted as the opinion of the Court.

BY THE COURT:

s/ Arthur J. Schwab

ARTHUR J. SCHWAB
United States District Judge

CC: Percy Perez
DN 5717
SCI-Greene
175 Progress Drive
Waynesburg, PA 15370
Via US First Class Mail